

Confidential

[22]

Box 81

Blace CP

7/4/60

Mr P. A. Moore,
House of Assembly
Cape Town.

Dear Mr Moore,

I am writing you from my place of detention in King Williams Town. I have been here for a week now, having been taken into custody in the early hours of March 30, 1960. I am confined in an all-corrugated iron cell 10' x 10' x 10', with a concrete floor. The local Station Commander and his staff have been marvellous. They have done everything possible within the regulations, to make my detention as comfortable as possible in the circumstances. I am however not allowed any communication with the outside world. I am not allowed any newspapers to read and no visitors. Not even my wife has been allowed to set eyes on me, to say nothing of talking to me since I have been detained. I am naturally feeling very annoyed about my position. Just after the Government has virtually robbed me of my hard-earned pension rights, I try to settle down quietly to establish a legal practice in Blace. Everything is going along nicely, with

me trying to make up for my losses, when out of the blue comes this detention, when I am snatched away from my clients, given no proper time to wind up my affairs and arrange for my commitments with my clients. Why is the Government persecuting me like this? It is true I believe in the principles for which the A.N.C. stands. No amount of banning will do away with the legitimacy of some of the demands made by the A.N.C., but the fact of the matter is that I hold no office in the A.N.C. either at the national, the provincial or the local level. I have not attended an A.N.C. meeting since 1955, as the Special Branch ought to know, but for some reason or other the Government seems to think that I run the A.N.C., or know everything that is going on in it. Anyway I suppose in view of the fact that I am not prepared to renounce the A.N.C. I shall have to share in the unjustifiable odium in which this respectable body is now held by the Government.

The events of the last few weeks are deeply regretted by all responsible people. The efforts that are being made to restore law and order are understandable, but it must be remembered

that law and order are not ends in themselves. They exist for a purpose and if the purposes for which laws are made are unsound, the laws will not be obeyed. Obedience to law is not dependent primarily upon the force that lies behind the law. The fear of force is a very precarious basis for the enforcement of law & order. It is only when people know, not when they are merely told that it is so, but when they know that the law is intended for their benefit and when they have had a share in its making that they will respect it, however wholesome it may be. It is to be hoped ^{that} out of the tragedy of recent weeks will emerge a new attitude towards these matters in South Africa. We need another Native Laws Inquiry Commission to see how much of the dead wood we are carrying in our laws affecting Africans ought to be dispensed with. I have just been reading the book on "Urban Native Law" by Davis, Kehlshy & de Rondt. It deals only with laws relating to Natives in Urban Areas. It runs into hundreds of pages of small print. How many Natives know the contents of that book? How many Managers of Locations know the contents of that book? How many Cabinet Ministers know the contents of that book?

How can the Queen keep from being frustrated when he has so many regulations to cope with?

As for the Pen laws they are a violation of the spirit. I see the Minister says that they will in future be administered in such a way as to bring out their advantages rather than their disadvantages. As long as ^{made} failure to produce a reference book on demand is a criminal offence, the disadvantages will always outweigh the advantages. The system is so open to abuse that said as it may be Suspect Smith Queen will have to get ready for the total abolition of the criminal aspect of the system.

Well Sir I have already taken up too much of your time, but I hope you as Parliamentarians will see to it that this state of emergency is terminated as soon as possible and that this waste of time and energy on the part of so many people is speedily brought to an end. Our position now is worse than that of criminals who at least know what they are supposed to be charged with. And how are our families supposed to live while their breadwinners are detained in this way?

With kindest regards
Yours sincerely
J. K. Maltrav